

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
| | : | Examiner: LaShonda T. Jacobs |
| YUICHI HIGUCHI |) | |
| | : | Art Unit: 2157 |
| Application No.: 09/774,694 |) | |
| | : | Conf. No.: 3090 |
| Filed: February 1, 2001 |) | |
| | : | |
| For: CLIENT, SERVER AND DEVICE, |) | |
| INFORMATION PROCESSING | : | |
| METHOD, PROGRAM AND |) | |
| MEMORY MEDIUM | : | |
| |) | |
| U.S. Patent No. 7,437,436 B2 | : | |
| |) | |
| Issued: October 14, 2008 | : | November 12, 2008 |

Commissioner for Patents
Mail Stop: PETITIONS
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT

Sir:

Patentee respectfully requests review of the Patent Term Adjustment (PTA) determined for the above-identified patent. The data presently available from the PAIR system appears to indicate an incorrect number of days determined for the USPTO Delay and/or for the Applicant's Delay. In particular, the Office's attention is directed to the

calculation of the adjustment under 37 C.F.R. § 1.702(b) and 35 U.S.C. § 154(b)(1)(B) for failure to issue a patent within three years of the actual filing date of the application.

It is believed that no fee is due in connection with this paper. However, if the fee is deemed necessary, particularly in light of the decision in *Wyeth v. Dudas*, No. 07-1492 (D.D.C. September 30, 2008) due to a recalculated increase in the PTA, this fee may be charged to Deposit Account 06-1205.

Patentee's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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